



General Assembly

Substitute Bill No. 6897

January Session, 2015



**AN ACT CONCERNING THE APPLICATION OF PESTICIDES AT
STATE-OPERATED PARKS, ATHLETIC FIELDS AND
PLAYGROUNDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-231a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in sections 10-231b to 10-231d, inclusive, and section [19a-
4 79a] 2 of this act, (1) "pesticide" means a fungicide used on plants, an
5 insecticide, a herbicide or a rodenticide, but does not mean a sanitizer,
6 disinfectant, antimicrobial agent or pesticide bait in a tamper-resistant
7 container, (2) "lawn care pesticide" means a pesticide registered by the
8 United States Environmental Protection Agency and labeled pursuant
9 to the federal Insecticide, Fungicide and Rodenticide Act for use in
10 lawn, garden and ornamental sites or areas, [and] but shall not include
11 any: (A) Microbial pesticide or biochemical pesticide that is registered
12 with the United States Environmental Protection Agency, (B)
13 horticultural soap or oil that is registered with the United States
14 Environmental Protection Agency, and that does not contain any
15 synthetic pesticide or synergist, (C) a pesticide classified by the United
16 States Environmental Protection Agency as an exempt material under
17 40 CFR 152.25, or (D) grub control product that is registered with the
18 United States Environmental Protection Agency that does not contain a

19 signal label with a caution, warning or danger indication and, except
20 for such pesticides described in subparagraphs (A) and (C) of this
21 subdivision, is subject to the restrictions in section 10-231b for an
22 emergency application of a lawn care pesticide, (3) "integrated pest
23 management" means use of all available pest control techniques,
24 including judicious use of pesticides, when warranted, to maintain a
25 pest population at or below an acceptable level, while decreasing the
26 use of pesticides, (4) "microbial pesticide" means a pesticide that
27 consists of a microorganism as the active ingredient, and (5)
28 "biochemical pesticide" means a naturally occurring substance that
29 controls pests by nontoxic mechanisms.

30 Sec. 2. (NEW) (*Effective July 1, 2015*) (a) As used in this section:

31 (1) "Certified pesticide applicator" means a pesticide applicator with
32 (A) supervisory certification under section 22a-54 of the general
33 statutes, or (B) operational certification under section 22a-54 of the
34 general statutes if such pesticide applicator operates under the direct
35 supervision of a pesticide applicator with said supervisory
36 certification;

37 (2) "Controlling authority" means the executive head of any state
38 department responsible for the maintenance of any state-operated
39 park, state-operated athletic field or state-operated playground, other
40 than a playground located on the premises of a school or such person's
41 designee; and

42 (3) "Athletic field" means any field or open space used for sporting
43 or sporting-related activities, but does not include a golf course or any
44 such field or open space located on the premises of a school, college or
45 university or that is used for professional sporting or sporting-related
46 activities.

47 (b) (1) No person shall apply pesticide or lawn care pesticide within
48 any state-operated park, state-operated athletic field or state-operated
49 playground, other than a playground located on the premises of a

50 school, except a certified pesticide applicator may make an emergency
51 application of pesticide or lawn care pesticide to eliminate an
52 immediate threat to human health, as determined by the
53 Commissioner of Public Health or the Commissioner of Energy and
54 Environmental Protection, including, but not limited to, the
55 elimination of mosquitoes, ticks and stinging insects, provided such
56 emergency application of pesticide or lawn care pesticide does not
57 involve a restricted use pesticide, as defined in section 22a-47 of the
58 general statutes.

59 (2) Notwithstanding the provisions of subdivision (1) of this
60 subsection, on and after July 1, 2015, and until July 1, 2017, a certified
61 pesticide applicator may apply lawn care pesticide at any state-
62 operated athletic field to transition to nontoxic care, provided such
63 lawn care pesticide is applied pursuant to an integrated pest
64 management plan that shall be consistent with a model pest control
65 management plan developed by the Commissioner of Energy and
66 Environmental Protection pursuant to section 22a-66l of the general
67 statutes.

68 (c) Prior to any application of pesticide or lawn care pesticide within
69 any state-operated park, state-operated athletic field or state-operated
70 playground, other than a playground located on the premises of a
71 school, the controlling authority shall, within the existing budgetary
72 resources available to the controlling authority, provide public notice
73 of such application not fewer than twenty-four hours prior to such
74 application of pesticide or lawn care pesticide. Such public notice shall
75 be posted on the premises of such state-operated park, state-operated
76 athletic field or state-operated playground, and on any Internet web
77 site operated by such controlling authority. If a controlling authority
78 determines an emergency application of pesticide or lawn care
79 pesticide is necessary pursuant to subdivision (1) of subsection (b) of
80 this section, such notice shall be given as soon as practicable. Notice
81 under this subsection shall include (1) the name of the active
82 ingredient of the pesticide or lawn care pesticide being applied, (2) the

83 target pest, (3) the location of the application of pesticide or lawn care
 84 pesticide on the grounds of such state-operated park, state-operated
 85 athletic field or state-operated playground, and (4) the date or
 86 proposed date of the application of pesticide or lawn care pesticide. A
 87 copy of each notice of such application of pesticide or lawn care
 88 pesticide at such state-operated park, state-operated athletic field or
 89 state-operated playground shall be maintained by the controlling
 90 authority for a period of five years from the date of application of the
 91 pesticide or lawn care pesticide and shall be made available to
 92 members of the public at an easily accessible location.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	10-231a
Sec. 2	<i>July 1, 2015</i>	New section

KID *Joint Favorable Subst.*